

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board

The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 894-2136
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Meeting Minutes
April 15, 2003

The State Personnel Board met in public session on Tuesday, April 15, 2003, at the State Personnel Board, The Chancery, 1120 Lincoln Street, Suite 1420, Denver, Colorado 80203.

The meeting was called to order by Chair Joyce Lottner at approximately 9:00 a.m. In addition to Ms. Lottner, Board member Diedra Garcia was present in person. The following Board member was present via telephone: John Zakhem. Board Members Elizabeth Salkind and Linda Siderius were absent.

Stacy L. Worthington, Board Director; First Assistant Attorney General Richard Forman, Board Counsel; and Jane Sprague, Legal Assistant, were also present.

I. REQUESTS FOR RESIDENCY WAIVERS

A. April 1, 2003 Report on Residency Waivers

There were no residency waiver requests during the time period.

II. PENDING MATTERS

There were no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There were no Initial Decisions or other final orders of the Administrative Law Judges or the Director on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

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- A. Isidoro Sanchez, Jr. v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2003G067.

Mr. Zakhem moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Garcia seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Mr. Zakhem, and Ms. Lottner. Ms. Salkind and Ms. Siderius were absent.

Director Worthington recused herself from participation in the discussion of the next two cases. Legal Assistant Sprague called the case numbers and the votes in lieu of the Director.

- B. Kenneth R. Meyer v. Department of Corrections, State Personnel Board case number 2003G058.

Ms. Garcia moved to adopt the Preliminary Recommendation of the Director and deny the petition for hearing. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Mr. Zakhem, and Ms. Lottner. Ms. Salkind and Ms. Siderius were absent.

- C. Terrance Wichser v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2003G078.

Ms. Garcia moved to adopt the Preliminary Recommendation of the Director and deny the petition for hearing. Mr. Zakhem seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Garcia, Mr. Zakhem, and Ms. Lottner. Ms. Salkind and Ms. Siderius were absent.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

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- A. Andre Smith v. Regents of the University of Colorado at Denver, Auraria Higher Education Center, State Personnel Board case number 2003B042(C).

On March 10, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's decision to abolish Complainant's position through layoff was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice. On March 26, 2003, after issuance of the Initial Decision, Respondent filed a motion for clarification seeking a ruling on its request for attorney fees. That ruling appears at the end of the Amended Initial Decision issued by the ALJ on April 2, 2003.

- B. Steve C. Watts v. Department of Transportation, State Personnel Board case number 2002B148.

On April 1, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found Respondent's disciplinary termination of Complainant's employment was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE MARCH 18, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Ms. Lottner moved to amend the minutes of the March 18, 2003 meeting as follows: On page 1, in the third paragraph, the last sentence should read: "First Assistant Attorney General Richard Forman, Board Counsel, was contacted via telephone and participated in certain discussions during the meeting." On page 2, last paragraph, the first sentence should read: " Having conferred with Board Counsel, Richard Forman, who was communicating during this discussion via telephone..." Mr. Zakhem seconded the motion. The motion passed on the

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affirmative vote of the following Board members: Ms. Garcia, Mr. Zakhem, and Ms. Lottner. Ms. Salkind and Ms. Siderius were absent.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 18, 2003 PUBLIC MEETING:

- A. Harlen Ainscough v. Department of Public Health and Environment, Hazardous Materials & Waste Management Division, State Personnel Board case number 2003G032.

The Board voted to deny Complainant's Motion for Reconsideration.

- B. Carolyn Dunn v. Department of Transportation, State Personnel Board case number 2003G036.

The Board voted to affirm the Order Denying Motion to Strike and Dismissing Complainant's Petition for Hearing.

- C. Steen McCrea v. Department of Transportation, State Personnel Board case number 2003G054.

The Board voted to reject the Preliminary Recommendation of the Director, to deny the petition for hearing for lack of jurisdiction, and to refer the matter to the State Personnel Director for a determination.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

As a preliminary matter, Director Worthington reported that the total compensation bill was progressing through the legislature. She also reported that Troy Eid, State Personnel Director, was continuing to take trips around the state, including a recent trip to the western slope to conduct town meetings and to hear employee concerns. Director Worthington and Board members Diedra Garcia and Joyce Lottner accompanied the Director on this trip. Director

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Worthington also reported that the Civil Service Reform Commission was meeting and three working groups had been established to study state civil service: general system reform, contracting reform, and higher education.

Karen Fassler and Laurie Benallo, Department of Personnel and Administration, Human Resource Services, addressed the Board regarding classes and retention areas.

Classes are used for human resources (HR)-related matters because they are the foundation of a system and shape technical processes, such as compensation and selection. The philosophy has always been to use broad classes so broad classes and retention processing are not new ideas. In fact, back in the 1970s and '80s, broad classes, like Administrative Officer and Management Group Profiles, were utilized in retention processing.

The reasons for moving toward consolidation of classes include: times have changed, and broad classes help identify the value of jobs, allow for decentralized accountability by managers, provide flexibility and mobility, and eliminate the need for reallocation of positions, which is a resource-intensive process. In the late 1980s, a push to consolidate classes began with the General Assembly behind it. There were, at one time, 1600 classes and over time those classes have been reduced to 541 classes. This reduction in the number of classes allows managers to change job assignments without changing classes.

Bumping is driven by qualifying for a position, as an unqualified person cannot bump another person out of his position. When the state went to broader classes, it reminded agencies that they still have to pay attention to the job needs in a particular position and document specific necessary qualifications. For example, above the GP I level, experience is required, and minimum qualifications mandate a degree and experience relevant to the assignment. "Stale" experience is also considered, as well as current experience. Bumping is always an unpleasant process and in general, the state does not want a trained resource to walk out the door. If HR professionals put the necessary qualifications on a position, there should not be anyone without such

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qualifications bumping another employee from that position. A manager should protect his professionals with specialized qualifications and should review job descriptions annually.

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Order Affirmed in Hansing v. Department of Corrections, State Personnel Board Case No. 2000G098, Court of Appeals No. 02CA0740
- Mandate in Guara v. Department of Human Services, State Personnel Board Case No. 2002B052, Court of Appeals No. 02CA2005
- Mandate in Asobie v. Department of Higher Education, University of Health Sciences Center, State Personnel Board Case No. 2001G084, Court of Appeals No. 02CA2428

Regarding budgetary matters, Director Worthington first proposed that the Board upgrade its recording equipment by replacing its antiquated system with a CDROM system that would reduce storage costs and allow for immediate duplication of a recording of a hearing. Her second proposal was that Kristin F. Rozansky attend the National Judicial College for training as an administrative law judge. This second proposal was adopted by consensus of the Board.

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

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- A. Case Status Report
- B. Minutes of the March 2003 Executive Session

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Having no more business, the meeting adjourned by consensus.

APPROVED THIS 20th DAY OF MAY, 2003.

Joyce Lottner, Chair

John Zakhem, Vice Chair

Diedra Garcia, Member